

FILED JUN 20 10 45 AM '20

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland DIVISION

GLEN A. MARSHALL

(Enter full name of plaintiff)

Plaintiff,

Civil Case No. _____
(to be assigned by Clerk's Office)

Amended 3:20-cv-00509-mo

v.
MULTNOMAH Co. SHERIFFS, City of GRESHAM,
et al., Sgt Wonacott MSCO, J. Zwick MSCO,
A. Swail MSCO, Deputy Jones MSCO, Deputy
Reed MSCO, Deputy Ferguson MSCO,

MIKE Webb GPD, OFFICER FIFE GPD,

OFFICER SPEAR GPD

(Enter full name of ALL defendant(s))

Defendant(s).

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

Jury Trial Demanded

☒ Yes

☐ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: GLEN A. MARSHALL

Street Address: 11540 NE INVERNESS DR.

City, State & Zip Code: PORTLAND, OR 97220

Telephone No.: N/A

Complaint for Violation of Civil Rights (Prisoner Complaint)

[Rev. 01/2018]

Defendant No. 1

Claim 1

Name: MULTNOMAH COUNTY SHERIFFS
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

Defendant No. 2

Claim 1

Name: GRESHAM POLICE DEPARTMENT
 Street Address: 1333 NW EASTMAN PKWY
 City, State & Zip Code: GRESHAM, OR 97030
 Telephone No.: _____

Defendant No. 3

Claim 2

Name: Sgt TIM WONACOTT MCSO SIU
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

Defendant No. 4

Claim 3

Name: JOSHUA ZWICK MCSO SIU BADGE #41545
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

Defendant No. 1

Claim 4

Name: ADAM SWAIL MCSO SIU
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

Defendant No. 2

Claim 5

Name: DEPUTY JONES BADGE #37270 MCSO SIU
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

Defendant No. 3

Claim 6

Name: DEPUTY READ MCSO SIU
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

Defendant No. 4

Claim 7

Name: DEPUTY FERGUSON MCSO SIU
 Street Address: 501 SE HAWTHORN BLVD #350
 City, State & Zip Code: PORTLAND, OR 97214
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

Defendant No. 1

Claim 8

Name: MIKE WEBB GPD
Street Address: 1333 NW EASTMAN PKWY
City, State & Zip Code: GRESHAM, OR 97030
Telephone No.: _____

Defendant No. 2

Claim 9

Name: OFFICER FIFE GPD
Street Address: 1333 NW EASTMAN PKWY
City, State & Zip Code: GRESHAM, OR 97030
Telephone No.: _____

Defendant No. 3

Claim 10

Name: OFFICER SPEAR GPD
Street Address: 1333 NW EASTMAN PKWY
City, State & Zip Code: GRESHAM, OR 97030
Telephone No.: _____

Defendant No. 4

Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

4th AMENDMENT OF THE U.S. CONSTITUTION
14th AMENDMENT OF THE U.S. CONSTITUTION

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The Multnomah County Sheriff's Office (MCSO) AND Gresham Police Department (GPD)
on 8/7/18, 9/13/18, 9/25/18, 10/20/18 by ineffectively Training their Law Enforcement Officers
pertaining to Legal Search and Seizure Guidelines, Confidential Informants, Immunity
of Confidential Reliable Informants, Allowed For the multiple violations of My
Constitutional Rights Protecting me From illegal search and seizure. The deliberate
Indifference these Agencies, Municipalities, and/or Organizations Showed In the
Absence of Training and oversight, caused me injuries including but not limited
to; A Gunshot Wound to my upper Left thigh, illegal Detention, Reckless
Endangerment as a Confidential Reliable Informant (CRI), and Loss
of Property, Money, much needed Medical Supplies and Medication.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Sgt Tim Wonacott of MCSO S.I.U. on the dates of 8/7/18, 9/13/18, and 9/25/18
participated in Traffic Stops where he illegally searched and seized

me and property. These searches and seizures were done without my consent. After I was searched and property was seized I was allowed to drive away in their presence. He failed to make a report or approve any reports. No inventory or inventory slip was done/made of the money and property seized. He failed to protect any of my Constitutional Rights nor did he inform me for the reason I was searched and why my money and property were being seized. There was no explanation for their lawful presence or purpose. No reports were approved by Sgt Wonacott concerning me.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Deputy Joshua Zwick MCSO SIO, Badge #41545 on the dates of 8/7/18, 9/13/18, 9/25/18, 10/20/18 participated in these forceful stops where no announcement of presence or purpose was made. I was searched and property seized without warrant, probable cause, or consent. On 9/9/18 I was shot in the left leg and on 9/13/18 Officer Zwick, while aware of this injury, rammed the vehicle I was in thus reinjuring my gunshot wound. Then Officer Zwick informed me he was arresting me for the 8/7/18 stop. I was never booked or charged. I made Officer Zwick aware of him reinjuring me. I was then searched and property seized, including money, medication, and medical supplies. I was released without an inventory slip and no laws were addressed or enforced. This was all done on private property. On 9/25/18 this all happened again. There was no mention of Webb's involvement in both occasions. (If you have additional claims, describe them on another piece of paper, using the same outline.)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

4th AMENDMENT of the US Constitution
14th Amendment of the US Constitution

III. STATEMENT OF CLAIMS

Claim IV

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Deputy Adam Swail of MCSO SIU on 6/13/19 Filed Forfeiture notice of \$1680⁰⁰ of money being seized on 9/13/18, 9 (NINE) months later. This Forfeiture Notice stated I was arrested on 9/13/18 waiting transport to Jail on criminal charges including drugs and weapons. I was never given notice or an inventory slip thus illegally seizing the money in a state court Forfeiting my rights to Challenge these actions and without a lawful arrest at the time of the seizure on 9/13/18, I was never Booked, never given an inventory Slip, thus entering into record a False report. The State entered a Forfeiture against me while I am being Federally prosecuted.

Claim V

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Deputy Jones of MCSO SIU (Badge # 37270) on 8/7/18, 9/13/18, 9/25/18 without announcing his presence or purpose or legal authority, he never received

consent to search nor were warrants presented. Items were removed from the car and no inventory slip of seized items were presented. There were no supervisors present to sign an inventory slip. No item seized was field tested nor saved as evidence as a field test. No record of what was seized or why items were seized. All these actions deprived me of my Constitutional Rights, as well as violating search and seizure laws, my due process rights, and my civil liberties.

Claim VI

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Deputy Reed of MCSO SE, IL, on 8/7/18, 9/13/18, 9/25/18 Stopped the vehicle I was in and Failed to tell me why or explain any citation. On 8/7/18 Deputy Reed Stopped the car I was in and Failed to announce who he was or why I was stopped. Radio Transmission records state it was For Driving While Suspended (DWI) which I was not notified of. DMV and Court records of any citation on the 8/7/18 stop don't exist. On 9/13/18 Deputy Reed seized money from me and Failed to issue me a receipt or notice of seizure, or make a record of his actions on all 3 Traffic Stops or his involvement in the search and seizures. He violated my 4th and 14th Amendment Rights.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

4th Amendment of the U.S. Constitution
14th Amendment of the U.S. Constitution

III. STATEMENT OF CLAIMS

Claim **VII**

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Deputy Ferguson MCSO on 9/25/18 Failed to announce his Lawful presence and purpose, was not in uniform or/and did not display any Official ID. He participated in the traffic stop and the search and seizure of property. The vehicle was moved with no warrant nor consent. No Laws were addressed or enforced. Items were seized and no inventory slip was made thus violating my constitutional rights

Claim **VIII**

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Gresham Police Officer Mike Webb From October of 2017 until October of 2018 used Traffic stops as a means to stop and search me while no Laws

were addressed or enforced. He made no report of these actions or his involvement to MCSO of stopping me and searching me or the vehicle I was in. He seized me and the contents of the vehicle while no laws were addressed or enforced. On 9/25/18, along with MCSO, he pulled me over, pulled me out of the car knowing I've been shot on 9/9/18, threatened me and exposed me as a CRI. After yelling "You better start producing" he illegally seized property and released me. He made no record of any involvement with SEU nor document me as a CRI. He then released me to drive away. These actions deprived me of my Constitutional rights of due process and protection against illegal search and seizure.

Claim ~~IX~~ IX AND ~~X~~ X

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Officer Fife and Officer Spears of Gresham Police Department on Both 9/13/18 and 9/25/18 Failed to announce their presence and purpose while participating in the search and seizures. They were present while my rights and due process were denied.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

~~VI~~ RELIEF XI

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

I would like a top to bottom review of all policies and procedures relating to the search and seizure, For Filing reports relating to police actions, and the way CRI's immunity is documented and agreed to including contracts, clauses, and specifics not withstanding. For the multiple violations of my Constitutional Rights, bodily injury, and threat of life I seek \$20,000,000 (TWENTY MILLION Dollars). I also seek a Federal Review of all Law Enforcement Officers mentioned in this claim For Training deficiencies relating to the acquisition and use of "Confidential Reliable Informants" (CRI's) and retrain all supervisors for over seeing search and seizures and documenting of CRI's

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of May, 2020.

Shirley Marshall
(Signature of Plaintiff)

FILED 3 JUN '20 10:45USDC-DRP

Memorandum
In Support
amended

Honorable Magistrate Mosman #3:20-CV-00509-MO

Sir,

Thank you for allowing me the opportunity to amend my 1983. I have did my best at outlining my issues and remedy as requested, I have arthritis in my hands and had someone assist me so it would be readable to write read I am hoping my points do not get lost in the translation and that I have did as you have requested in my amended 1983.

The seizures and searches were not contemporaneous with any lawful arrests or warrants and are separate in time one cannot be said to be part of the other or any lawful action nor did they document me as a informant the S.I.U or officer Webb, and left me without any legal protection nor did they go after the person who shot me after I made them aware of who it was and where they lived, no one documented or made any reports of controlled buys or any of the numerous cases I assisted or only a few money receipts I signed for controlled buys and used these to obtain search and arrest warrants as well as assist and

provided information on numerous cases these stops were a means to harass cooperations after I made them aware after being shot I was not provided any protection I was done and they were unwilling to let me they made no record of my cooperation.

If they have done this to me they have done this to hundreds of CRT's and this affects every case they have been involved in. The S.I.U. and G.P.D. acted unlawfully and outside of Policy and Procedures on searches and seizure and CRT's Policy and Procedures thus taking away all my legal and constitutional protection.

There is merit to my claims of illegal searches and seizures I hope I have been more concise and less voluminous as the court has asked and not scattered my claims is valid and I hope my simplified 1983 has outlined the general premises as the Court has asked there is so many different constitutional and legal issues it was hard to stay on point I hope this will be accepted thank you for your time.

Sincerely Glen A. Marshall 5-26-20